

to the provisions of the Federal Food, Drug, and Cosmetic Act without adjudication as to any issue of fact or law, the court entered an order directing that the article be turned over to the United States Department of Health, Education, and Welfare, pursuant to the provisions of such Act.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FAILURE TO BEAR ADEQUATE DIRECTIONS OR WARNING STATEMENTS*

5322. Immun capsules (3 seizure actions). (F. D. C. Nos. 37699, 37700, 37898. S. Nos. 4-034 M, 15-959 M, 16-185 M.)

QUANTITY: 60 btl. at Seattle, Wash., 44 btl. at Pittsburgh, Pa., and 21 btl. at Spokane, Wash.

SHIPPED: Between 12-1-54 and 2-8-55, from New York, N. Y., by Universal Nutritions, Inc.

LABEL IN PART: (Btl.) "Immun Capsules Improved with Activator X Each Capsule Contains: Vitamin A (fish liver oils) 2,000 U. S. P. Units 50% Minimum daily requirement Vitamin D (fish liver oils) 200 U. S. P. Units 50% Minimum daily requirement Activator X 6 Minims Vitamin E 0.68 I. U. * * * Manufactured Exclusively for Nu-Health Laboratories, Inc., Lynbrook, New York A Nutrient Supplement with Naturally Occurring Antioxidant. Dosage: Adults And Children one capsule twice a day with meals. Contents 60 Capsules Activator X is Nu-Health Laboratories' Trade Mark for the essential unsaturated fatty acids, oleic, linoleic, linolenic, arachidonic, hexaenoic, and pantaenoid derived from mammalian oils."

ACCOMPANYING LABELING: Leaflet entitled "Read How Immun Capsules with 'Activator X' Helped Many People."

LIBELED: 3-9-55, W. Dist. Pa.; 3-15-55, W. Dist. Wash.; 3-30-55, E. Dist. Wash.

CHARGE: 502 (a)—when shipped, the labeling of the article contained the following false and misleading representations:

(a) The name "Immun Capsules" represented that the article would increase immunity to disease;

(b) The name of the ingredient "Activator X" represented that the ingredient so designated was effective to activate and make effective the nutritive elements obtained from common foods; and

(c) The leaflet represented that the article would be effective to provide immunity to disease, to increase vigor, to prolong life, and to prolong sex potency; and, further, that the article would be effective in the prevention and treatment of dental caries, colds, arthritis, joint and muscle stiffness, general debility, loss of appetite, underweight, gastritis, belching, anemia, insomnia, low blood pressure, disturbed calcium and phosphorus metabolism, impaired vision, painful menses, constipation, general fatigue, irregular heart, chest pains, and bronchitis; and

502 (f) (1)—the labeling of the article failed to bear adequate directions for use for the purposes for which it was intended.

DISPOSITION: Nu-Health Laboratories, Inc., Lynbrook, N. Y., entered all 3 actions as claimant and petitioned for the removal of these actions to the Southern District of New York for trial. Pursuant to such petitions, the 3 seizure actions were removed and consolidated for trial in that District.

On 9-26-56, the answer and claim of Nu-Health Laboratories, Inc., were withdrawn; and on 3-8-57, a default decree providing for destruction of the article was entered.

*See also No. 5321.